

REMARKS

Prior to this Amendment and Response, original claims 2-5, 7, 9-15, and 17-24 were pending in the Application. Herein, claims 2-3, 5, 7, 9-10, 12-15, and 17-21 were amended; and no claims were cancelled or added. Therefore, upon entry of the Amendment, claims 2-5, 7, 9-15, and 17-24 will remain pending in the Application. Entry of this Amendment, reconsideration, and allowance of the pending claims is respectfully requested.

Correction of Dependency

In the Office Action, the Examiner noted that claim 7 referred to claim 6, which had been cancelled, and required correction. In response, claim 7 has been amended to depend from claim 5.

Claim Rejections – 35 U.S.C. §103

In the Office Action, the Examiner rejected claims 9-17 and 20-24 under 35 U.S.C. §103 as being unpatentable over *Raissinia et al.* (U.S. Patent No. 6,408,165) in view of *Kamerman et al.* (U.S. Patent No. 6,067,291) and *Gourgue* (U.S. Patent No. 5,564,075). Applicants respectively traverse.

Initially, Applicants note that the claims, and in particular independent claims 9 and 17, have been amended to focus more closely on the present invention. In particular, the present invention contemplates that the signal generator generates (during selected

intervals) a *mobile-station* transmit power indication signal indicating a maximum mobile-station transmit power, which signal is then broadcast. As the dependent claims further indicate, the selected intervals where a mobile-station transmit power indication signal is generated is likely the contention period defined in a protocol such as IEEE 802.11. *Raissinia et al.* does not teach or suggest broadcasting such a signal.

In fact, the system of *Raissinia et al.* appears not to be operable in this fashion given then manner in which it relies on a series of measurements of signals received from an individual subscriber unit (col. 3, lines 14-49). In other words, *Raissinia et al.* could not be modified to perform power control according to the present invention without departing almost completely from its own teaching. Applicants respectfully suggest that it would therefore not be at all obvious to make such a modification.

The same is true of *Gourgue*, which teaches the transmission of a broadcast signal at a constant power level, the broadcast containing an indication of this (broadcast-signal) power level that receiving mobile stations may use in their own transmit power level calculations (col. 3, lines 18-28). *Gourgue* does not teach or suggest broadcasting during selected intervals a signal indicating the maximum transmit power level to be used by mobile stations during the interval. Modifying *Gourgue* to include this feature would simply amount to adding Applicants' disclosure to the *Gourgue* reference. There is no suggestion to do so in any of the cited references or, for that matter, in the present Application.

Moreover, *Raissinia et al.* and *Gourgue* suggest power-control approaches that are quite different (though not necessarily mutually exclusive), meaning that there exists no real suggestion to combine them in the first instance. And Applicants respectfully assert that they may certainly not be combined to reach the present invention. In fact, the two disclosures, when read together, actually seem to indicate that a variety of different and distinguishable techniques may be used to address the issue of power control; Applicants have provided another, novel approach.

With regard to claim 22, since neither *Raissinia et al.* nor *Gourgue* teach or suggest varying a power-control related signal according to whether they will be transmitted or applied in a contention period or a contention-free period, the two references cannot be combined to provide such a teaching. Applicant's respectfully suggest that a mere indication that such periods exist (whether in *Kamerman et al.* or in IEEE 802.11) cannot be used as a motivation not only for combining the references, but for modifying their combined teachings to reach the present invention.

For the reasons provided above, Applicants respectfully suggest that this grounds for rejection has been overcome.

In the Office Action, the Examiner rejected also claims 2-4 and 18-19 under 35 U.S.C. §103 as being unpatentable over *Raissinia et al.* in view of *Kamerman et al.* and *Gourgue*, and further in view of *Krishnakumar et al.* (U.S. Patent No. 6,014, 087). Applicant's note that claims 2-4 and 18-19 depend from claims 9 and 17, respectively, and are therefore distinguishable from the cited prior art for the reasons provided above.

The *Krishnakumar et al.* reference simply mentions the PCF period and does not supply the missing motivation to combine the other references or modify their teachings to reach the present invention. For this reason and for those provided above, Applicants respectfully suggest that this ground for rejection has also been overcome.

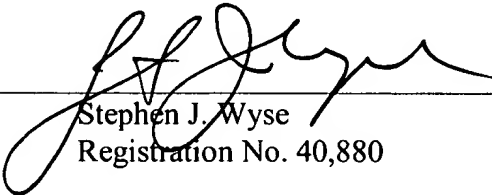
In the Office Action, the Examiner rejected also claims 5 and 7 under 35 U.S.C. §103 as being unpatentable over *Raissinia et al.* in view of *Kamerman et al.* and *Gourgue*, and further in view of *Larsson et al.* (U.S. Patent No. 5, 241,690). Applicant's note that claims 5 and 7 depend from claim 9, and are therefore also distinguishable from the cited prior art for the reasons provided above. The *Larsson et al.* reference simply mentions that a signal may be used to either increase or decrease transmit power and does not supply the missing motivation to combine the other references or modify their teachings to reach the present invention. For this reason and for those provided above, Applicants respectfully suggest that this ground for rejection has also been overcome.

In light of the foregoing, the pending claims are believed to be in condition for allowance. Accordingly, examination and allowance of pending claims 2-5, 7, 9-15, and 17-24 is respectfully requested. In addition, given the final nature of the rejection, the Examiner is requested to provide as early as possible an indication as to whether some or all of these claims are now in allowable form, or may be allowable with certain specific amendments.

Respectfully submitted,

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